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CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EQUAL EMPLOYMENT OPPORTUNITY)
COMMISSION,)

Plaintiff,

v.

SOUTHWEST AIRLINES CO.,)

Defendant.)

CIVIL ACTION NO.

COMPLAINT

Civil Rights

– Employment Discrimination
– Class Action

JURY TRIAL DEMAND

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex and to provide appropriate relief to Adriana Martin and similarly situated individuals who were adversely affected by such practices. As alleged below, defendant, Southwest Airlines Co. subjected Ms Martin and others to a sexually hostile work environment because of their sex, female.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331, 1337, 1343, and 1345. This action is authorized and instituted pursuant to section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. §2000e-5(f)(1) and (3), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. §1981a.

COMPLAINT
EEOC v. Southwest Airlines Co.

1 INTRADISTRICT ASSIGNMENT

2 2. The employment practices alleged to be unlawful were and are being committed
3 within the State of California, County of Alameda, within the jurisdiction of the United States
4 District Court for the Northern District of California. This case is appropriate for assignment to
5 San Francisco or Oakland because the unlawful employment practices alleged were and are
6 being committed within Alameda County.

7 PARTIES

8 3. Plaintiff, the Equal Employment Opportunity Commission ("EEOC"), is the
9 agency of the United States of America charged with the administration, interpretation, and
10 enforcement of Title VII and is expressly authorized to bring this action by section 706(f)(1) and
11 (3) of Title VII, 42 U.S.C. §2000e-5(f)(1) and (3).

12 4. At all relevant times, Defendant, Southwest Airlines Co. ("Defendant
13 Employer"), has continuously been doing business in the State of California and the city of
14 Oakland and has continuously had at least fifteen employees.

15 5. At all relevant times, Defendant Employer has continuously been an employer
16 engaged in an industry affecting commerce within the meaning of section 701(b), (g), and (h) of
17 Title VII, 42 U.S.C. §2000e-(b), (g), and (h).

18 STATEMENT OF CLAIMS

19 6. More than thirty days prior to the institution of this lawsuit, Adriana Martin filed
20 a charge of discrimination with the EEOC alleging violations of Title VII by Defendant
21 Employer. All conditions precedent to the institution of this lawsuit have been fulfilled.

22 7. Since at least 2001, Defendant Employer has engaged in unlawful practices at its
23 Oakland, California facility in violation of section 703(a)(1) of Title VII, 42 U.S.C. §2000e-2(a).
24 These practices include subjecting Ms Adriana Martin and other similarly situated employees to
25 sexual harassment and to an offensive, abusive, intimidating and hostile work environment based
26 on their sex, female.

27 8. The effect of the practices complained of in paragraph 7 above has been to
28 deprive Adriana Martin and others of equal employment opportunities and otherwise to

adversely affect their status as employees because of their sex, female.

9. The unlawful employment practices complained of in paragraph 7 above were and are intentional.

10. The unlawful employment practices complained of in paragraph 7 above were and are done with malice and/or reckless indifference to the federally protected rights of Adriana Martin and other similarly situated women.

PRAYER FOR RELIEF

WHEREFORE, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining Defendant Employer, its officers, successors, assigns, and all persons in active concert or participation with it, from engaging in sexual harassment, sex-based harassment, sex discrimination and any other employment practice which discriminates on the basis of sex.

B. Order Defendant Employer to institute and carry out policies, practices, and programs which provide equal employment opportunities for female employees and which eradicate the effects of its past and present unlawful employment practices.

C. Order Defendant Employer to make whole any women similarly situated to Ms. Martin who lost pay, by providing appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement or front pay as appropriate

D. Order Defendant Employer to make whole Adriana Martin and other similarly situated women by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, with interest, in amounts to be determined at trial.

E. Order Defendant Employer to make whole Adriana Martin and other similarly situated women by providing compensation for past and future non-pecuniary losses caused by the above unlawful conduct, including pain and suffering, emotional distress, indignity, loss of enjoyment of life, loss of self-esteem, and humiliation, in amounts to be determined at trial.

F. Order Defendant Employer to pay Adriana Martin and other similarly situated women punitive damages for its malicious and reckless conduct described above, in amounts to be determined at trial.

G. Grant such further relief as the Court deems proper.

H. Award the EEOC its costs in this action.

JURY TRIAL DEMAND

The EEOC requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

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